

## **FAQ – Interior Firearms Policy Update**

### **Q: Why is the Department of the Interior adopting this rule?**

A: Our current firearm policies have been in place for some time, but they are now out-of-step with State law and thus need to be updated. Starting in the 1980's, a significant number of State Legislatures passed laws which allow law-abiding citizens to carry concealed firearms. Today, the overwhelming majority of States have enacted these laws. But the current National Park Service (NPS) and Fish and Wildlife Service (FWS) regulations don't recognize these developments.

America was founded on the idea that the federal and state governments work together to serve the public and preserve our natural resources. The Department's final regulation respects this tradition by allowing individuals to carry concealed firearms in federal park units and refuges to the extent that they could lawfully do so under non-conflicting state law. This is the same basic approach adopted by the Bureau of Land Management (BLM) and the United States Forest Service (USFS), both of which allow visitors to carry weapons consistent with applicable federal and state laws.

### **Q: Why did the Department decide to reject the original "similar state lands" approach and instead adopt a more general reference to state law?**

A: This change helped clarify the rule and make it easier to implement. During the public comment process, a number of entities and individuals, including the National Park Conservation Association, the State of Alaska, and employees of the FWS, suggested that the Department's reference to "similar state lands" in the proposed regulation was ambiguous and confusing since: (1) individual States often provide for various management regimes for their parks and refuges; and (2) these differences make it difficult to determine what areas are actually "similar". The Department agrees with this concern and has deleted this language in the final rule. The modified final language adopts the suggestion of commenters and incorporates state law in a similar manner to regulations adopted by other federal agencies regarding firearms on public lands.

### **Q: What if a State doesn't want individuals to carry a concealed firearm in a park or refuge within its borders? Can it take any action?**

A: Yes. States with concealed carry laws routinely impose statutory prohibitions on the lawful possession of concealed handguns in certain locations. It is possible that a state may wish to prohibit an individual from possessing a concealed weapon on federal lands within state boundaries. In the event a state enacts such a law, the Department's final rule would respect the legislative judgment of the people of that State.

### **Q: Won't visitors and wildlife be endangered by allowing concealed firearms in parks and refuges?**

A: No. The final rule continues to maintain existing regulatory provisions that prohibit poaching, unauthorized target shooting, and other illegal use of firearms. Additionally, individuals authorized to carry firearms in a park or refuge will continue to be subject to all other applicable state and federal laws. We have no reason to believe that law-abiding citizens who carry concealed firearms will disregard these prohibitions and use their firearms for illegal purposes. Moreover, the final rule does not affect existing rules limiting the possession of loaded rifles or shotguns.

**Q: Aren't parks and refuges already safe places? If so, why allow people to carry concealed firearms?**

A: America's national parks and refuges are often safe places to visit, and our law enforcement officials are working to the best of their abilities and resources to maintain visitor safety. However, we also recognize that current statistics show an alarming increase in criminal activity on federal lands managed by the Department of the Interior, especially in areas close to the border and in lands that are not readily accessible by law enforcement authorities. In these circumstances, we do not believe it is appropriate to refuse to recognize state laws simply because a person enters the boundaries of a national park or wildlife refuge, or because there is a lesser chance that a visitor will be harmed or potentially killed by a criminal in a national park unit or wildlife refuge.

**Q: Why does the proposed rule adopt state standards for firearms? Isn't the management of national parks and refuges a federal responsibility?**

A: We believe that in managing parks and refuges we should, as appropriate, make every effort to give the greatest respect to the democratic judgments of State Legislatures with respect to concealed firearms. As stated in the proposed rule, federal agencies have a responsibility to recognize the expertise of the States in this area, and that federal regulations should be developed and implemented in a manner that respects "state prerogatives and authority." Cf. Executive Order 13132 of August 10, 1999 ("Federalism"). Our rule gives effect to this long-standing tradition. It also continues a long history of managing federal lands in cooperation with states in the subjects of hunting, fishing, and boating.

**Q: Doesn't this rule create a complex patchwork of standards for parks and refuges?**

A: No. The Department is aware that some national parks and wildlife refuges are located in two or more states. In those instances, the law of the state in which the portion of the park or refuge is located will apply to the possession, transport, and carry of concealed, loaded, and operable firearms. This is the same basic approach adopted by the BLM and the USFS, both of which allow visitors to carry weapons consistent with applicable federal and state laws. Moreover, as is generally the case, visitors remain responsible for familiarizing themselves with and obeying all applicable laws, including the law of the state they are located within. Finally, the NPS and FWS will take appropriate steps to inform visitors about the applicable requirements when a unit is located in more than one state.

**Q: Does the Supreme Court's decision in *District of Columbia v. Heller* impact the Department's rule?**

A: In our view, the Supreme Court's decision in *Heller* does not directly impact our proposal to revise existing federal regulations to more closely conform our regulations to appropriate state laws. But we believe it is consistent with the final rule.